



Arizona State Board of Pharmacy
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**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING MARCH 28 AND 29, 2007
CHANDLER, ARIZONA**

MINUTES FOR REGULAR MEETING

AGENDA ITEM 1 – Call to Order – March 28, 2007

President Van Hassel convened the meeting at 9:05 A.M. and welcomed the audience to the meeting.

The following Board Members were present: President Tom Van Hassel, Vice President Zina Berry, Chuck Dutcher, Steven Haiber, Louanne Honeyestewa, Dennis McAllister, and Ridge Smidt. The following staff members were present: Compliance Officers Rich Cieslinski, Larry Dick, Ed Hunter, Sandra Sutcliffe, and Dean Wright, Drug Inspector Heather Lathim, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Seth Hargraves.

Ms. Frush explained that law continuing education would be offered for attendance at the meeting.

AGENDA ITEM 2 – Declaration of Conflicts of Interest

Due to a conflict of interest, Mr. Haiber recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 6, License Review for Dione Velazquez.

Due to a conflict of interest, Mr. Haiber recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 14, the review of Complaint # 3284.

Due to a conflict of interest, Mr. McAllister recused himself from participating in the review, discussion, and proposed action concerning Agenda Item 17, the Hearing for Dana Kinas.

AGENDA ITEM 3 – Introduction of New Board Member and Oath of Office

President Van Hassel introduced the newly appointed Board Member, Steven Haiber.

Mr. Van Hassel administered the Oath of Office to Mr. Haiber to allow Mr. Haiber to assume the duties of a voting member of the Board.

Mr. Haiber gave a brief synopsis of his work experience. Mr. Haiber stated that he has been a pharmacist for 26 years and has worked in a variety of retail settings and is currently working as a Pharmacy Director at a mail order pharmacy operation.

Mr. Haiber stated that he hopes his background would allow him to bring a different perspective to issues brought before the Board. Mr. Haiber stated that he was honored to be appointed by the Governor to help protect the citizens of Arizona.

AGENDA ITEM 4 – Approval of Minutes

Following a review of the minutes and an opportunity for questions and **on motion by Mr. Dutcher and Dr. Berry**, the minutes of the Regular Meeting held on January 24, 2007 were unanimously approved by the Board Members with one correction to be made on Page 12 changing incorrect to correct under Complaint #3225 – Incident #2.

Following a review of the minutes and an opportunity for questions and **on motion by Mr. Dutcher and Dr. Berry**, the minutes of the Teleconference Meeting held on February 14, 2007 were unanimously approved by the Board Members.

AGENDA ITEM 5 – Requests/Applications for Permits & Licenses

President Van Hassel stated that all permits were in order for resident pharmacies and representatives were present to answer questions from Board members.

Wadhams Apothecary

Sharon Wadhams, Owner and Pharmacist In Charge, was present to answer questions from Board Members.

President Van Hassel asked Ms. Wadhams if this would be the first pharmacy that she owned and managed. Ms. Wadhams replied yes.

Mr. Van Hassel asked Ms. Wadhams to describe the nature of her business. Ms. Wadhams stated that she would be operating a compounding pharmacy.

Mr. Van Hassel asked Ms. Wadhams what types of preparations she would be compounding at her pharmacy. Ms. Wadhams stated that she would be compounding medications for hormone replacement, pain management, and some veterinary medications.

Mr. Van Hassel asked Ms. Wadhams if she was familiar with the compounding rules. Ms. Wadhams replied yes.

Mr. Van Hassel asked Ms. Wadhams if she has taken any compounding courses. Ms. Wadhams stated that she has taken a compounding course in hormone replacement for women offered by the APA in Tennessee. Ms. Wadhams stated that she does plan on taking more compounding courses.

Mr. Van Hassel asked Ms. Wadhams if she is aware that she cannot compound commercially available products. Ms. Wadhams replied that she is aware that she cannot compound commercially available products.

Dr. Berry asked Ms. Wadhams if she would be doing any sterile compounding. Ms. Wadhams replied no.

Mr. Wand asked Ms. Wadhams if she would be compounding any medications for physician's offices. Ms. Wadhams stated that she would only be selling some products to a veterinary clinic for office use. Ms. Wadhams stated that the products would be administered by the veterinarian.

Mr. Van Hassel thanked Ms. Wadhams for appearing.

At the conclusion of questions from the Board Members and **on motion by Mr. McAllister and Dr. Berry**, the Board unanimously approved the resident permits listed below. All approvals are subject to final inspection by a Board Compliance Officer where appropriate.

RESIDENT (In Arizona)

Pharmacy	Location	Owner
Walgreens Pharmacy #09571	1020 N. Highway 89, Chino Valley, AZ 86323	Walgreen Arizona Drug Co.
Bashas' United Drug #166	4874 S. Val Vista Dr., Gilbert, AZ 85296	Bashas' Inc.
Plaza Town Pharmacy	9133 W. Thunderbird #102, Peoria, AZ 85381	Otidara, LLC
Mountain Vista Medical Center, LP	1301 S. Crismon Rd., Mesa, AZ 85209	Mountain Vista Medical Center, LP
Wadhams Apothecary	3100 N. West St., Ste. 200A, Flagstaff, AZ 86004 (O)	Sharon Wadhams/Jane Garcia
Food City United Drug #170	7333 W. Thomas Rd., Phoenix, AZ 85033	Bashas' Inc.
Bashas' United Drug #172	99 S. Higley, Gilbert, AZ 85296	Bashas' Inc.

(O) = Ownership Change

Non-Resident Permits

At the conclusion of questions from the Board Members and **on motion by Mr. McAllister and Dr. Berry**, the Board unanimously approved the non-resident permits listed below.

NON-RESIDENT (Out of State)

Pharmacy	Location	Owner
Genoa Healthcare, LLC	4508 Auburn Way North, Suite A104, Auburn, WA 98002	Genoa Healthcare Holdings, LLC
Franck's Compounding Lab	940 Ellendale Dr., Medford, OR 97504	Franck's Management LLC
Medical Arts Pharmacy Services, Inc.	10412 W. Atlantic Blvd., Coral Springs, FL 33071	Medical Arts Pharmacy Services, Inc.
5V's Pharmacy, Inc.	1390 N.W. 7 th St., Second Floor, Miami, FL 33123	5V's Pharmacy Inc.

Accredo Health Group, Inc.	1661 Riverside Dr., Suite 101, Los Angeles, CA 90031	Accredo Health Group, Inc.
Omnicare San Antonio	12460 Network Blvd. , Ste 101, San Antonio, TX 78249	NeighborCare Pharmacy Services. Inc.
Prime Therapeutics, L.L.C.	4580 Paradise Blvd. NW, Albuquerque, NM 87114	Prime Therapeutics LLC
HealthTrans Pharmacy	8300 E. Maplewood Ave., Greenwood Village, CO 80111	HT Three, L.L.C.
Express Scripts	4800 Street Road, Trevose, PA 19053	ESI Mail Pharmacy Services, Inc.

Pharmacy	Location	Owner
FarmVet.com	1041 Sneed Rd., Franklin, TN 37069	FarmVet.com
Rood & Riddle Veterinary Pharmacy, Inc	1517 Bull Lea Rd., Suite 150, Lexington, KY 40511	Rood & Riddle Veterinary Pharmacy, Inc.
Equinox Healthcare, Inc.	3231 A Corporate Court, Ellicott City, MD, 20142	Equinox Healthcare, Inc.
BCWA Health Services	1313 E. Maple Street, Suite 103, Bellingham, Washington 98225	BCWA Health Services LLC
Injured Workers Pharmacy, LLC	9 Branch St., Methun, MA 01844	JXO Holding Company, Inc.
Fresenius Medical Care North America	375 N. Depot Dr., Ogden, UT 84404	Fresenius USA Manufacturing Inc.
ProCare Pharmacy Care	3891 Commerce Parkway, Miramar, FL 33025	Procare Pharmacy Benefit Manager
SpecialtyScripts Pharmacy	187 Plymouth Ave. Bldg. 8, 1st Floor, Fall River, MA 02721 (O)	SpecialtyScripts, LLC
Freedom Pharmacy & Wellness Center	3901 E. Colonial Dr. , Ste. C , Orlando, FL 32803	HHCS Pharmacy, Inc.
HealthCare Pharmacy, Inc.	8264 W. State, Rt. 41, Covington, OH 45318	Laurel Health Care Management Co.
Accredo Health Group, Inc.	1600 Riverside Dr., Suite 101, Los Angeles, CA 90031	Accredo Health Group, Inc.

(O) = Ownership Change
Wholesale Permits

President Van Hassel stated that all permits were in order for resident wholesalers and representatives were present to answer questions from Board members.

Tri- State Hospital Supply Corporation

Jeff Jackson, Plant Manager, for Tri-State Hospital Supply Corporation, was present to answer questions from Board Members.

President Van Hassel opened the discussion by asking Mr. Jackson to discuss the nature of the company's business.

Mr. Jackson stated that Tri-State Hospital Supply has been in business since 1965. Mr. Jackson stated that the company's Headquarter is in Michigan. Mr. Jackson stated that it is a public held company. Mr. Jackson stated that they manufacture convenience kits for hospitals. Mr. Jackson stated that some of the kits contain lidocaine, xylocaine, or sodium chloride. The kits are used mainly for suturing procedures.

Mr. Jackson stated that they have manufacturing facilities in Michigan and North Carolina. Mr. Jackson stated that they have distribution facilities through out the United States.

Mr. Van Hassel asked if they would be selling exclusively to hospitals. Mr. Jackson stated that they have been selling to hospitals since 1960. Mr. Jackson stated that they

have a facility in Yuma that sterilizes instruments. Mr. Jackson stated that they do not sell the injectables separately.

Mr. Van Hassel asked about the Mexican division. Mr. Jackson stated that they do have a division in Mexico. Mr. Jackson stated that no kitting occurs in Mexico for the convenience kits. Mr. Jackson stated that the kitting occurs in North Carolina and Michigan for the convenience kits.

Mr. Jackson stated that they cannot temporarily export a drug and then re-import the drug.

On motion by Mr. Dutcher and Ms. Honeyestewa, the Board unanimously approved the resident wholesale permits listed below. All permits are subject to final inspection by a Board Compliance Officer where appropriate.

WHOLESALER	LOCATION	OWNER
Hi- Health Supermart Corporation	7428 East Karen Dr., Scottsdale, AZ 85260	Hi- Health Supermart Corporation
Sunset Wholesale LLC	625 S. Smith Rd., Tempe, AZ 85281 (O)	Sunset Wholesale LLC
Skyline Wholesale Distributors LLC	625 S. Smith Rd., Phoenix, AZ 85017	Skyline Wholesale Distributors LLC
Tri- State Hospital Supply Corporation	3173 E. 43 rd St., Yuma, AZ 85365	Tri- State Hospital Supply Corporation
Eagle Milling Co.	601 E. Main Ave., Casa Grande, AZ 85222 (O)	Cargill Animal Nutrition

(O) = Ownership Change

Following a review and discussion of the roster of applicants for licensure as pharmacists, interns, and pharmacy technicians and assurance by the staff that all applications were in order and all fees paid: **On motion by Dr. Berry and Mr. Dutcher**, the Board unanimously approved the Pharmacists licenses 15897 through 15959. **On motion by Dr. Berry and Mr. Dutcher**, the Board unanimously approved the Intern licenses 7895 through 7951, with one number being voided. **On motion by Mr. Dutcher and Dr. Berry**, the Board unanimously approved the Pharmacy Technician licenses 12334 through 13031 Also, approved were 166 licensee changes from Pharmacy Technician Trainee to Pharmacy Technician. For a complete list of names see attachments.

AGENDA ITEM 6 – License Applications Requiring Board Review

#1 Steve Coniglio

Steve Coniglio appeared on his own behalf to request to proceed with reciprocity.

President Van Hassel opened the discussion by asking Mr. Coniglio to describe the nature of his request.

Mr. Coniglio stated that he is currently licensed in New York as a pharmacist and would like to reciprocate to Arizona.

Mr. Van Hassel asked why Mr. Coniglio was appearing in front of the Board. Mr. Coniglio stated that 20 years ago he was reprimanded by the New York Board.

Mr. Van Hassel asked Mr. Coniglio if there were any other disciplinary actions taken against his license since that time. Mr. Coniglio stated no. Mr. Coniglio stated that since 1998 he has been supervising pharmacists since he sold his business.

Mr. Dutcher asked Mr. Coniglio if he was planning to move to Arizona. Mr. Coniglio stated that he does not have a job in Arizona, but wanted to obtain his license first.

On motion by Mr. McAllister and Mr. Dutcher, the Board unanimously approved the request by Mr. Coniglio to proceed with reciprocity.

#2 Hakim Scott

Hakim Scott appeared on his own behalf to request to proceed with technician licensure.

President Van Hassel opened the discussion by asking Mr. Scott to describe the nature of his request.

Mr. Scott stated that he would like to proceed with licensure as a pharmacy technician trainee.

President Van Hassel asked Mr. Scott why he was appearing in front of the Board. Mr. Scott stated that he was charged with a felony in 2000. Mr. Scott stated that he was charged with transporting a fire arm across state lines. Mr. Scott stated that he expects the charges to be expunged next January.

Mr. Van Hassel asked Mr. Scott if he has an offer of employment. Mr. Scott replied yes. Mr. Scott stated that he is currently employed at a mail-order facility.

Mr. Van Hassel asked if the gun was used in committing a crime. Mr. Scott stated no. Mr. Scott stated that he was working security and when he returned home he took the gun with him and was subsequently charged with transporting the gun.

On motion by Mr. Dutcher and Ms. Honeyestewa, the Board unanimously approved the request by Mr. Scott to proceed with technician licensure.

#3 Ophelia Watahomigie-Corliss

Ophelia Watahomigie-Corliss appeared on her own behalf to request to proceed with technician licensure.

President Van Hassel opened the discussion by asking Ms. Watahomigie-Corliss to describe the nature of her request. Ms. Watahomigie-Corliss stated that she would like to proceed with technician licensure.

Ms. Watahomigie-Corliss stated that in 2004 when she was 19 she had too much to drink and stole a garden hose. Ms. Watahomigie-Corliss stated that she was charged with theft.

Mr. Van Hassel asked Ms. Watahomigie-Corliss if she had an offer of employment as a pharmacy technician. Ms. Watahomigie-Corliss stated that she has been working at the Safeway pharmacy in Williams for the last 8 weeks. Ms. Watahomigie-Corliss stated that she has letters of recommendation.

Mr. Haiber asked Ms. Watahomigie-Corliss if she is currently working in the pharmacy as a technician. Ms. Watahomigie-Corliss stated that she is currently running the cash register. Ms. Watahomigie-Corliss stated that she runs the cash register and they are showing her various aspects of the pharmacy.

Mr. McAllister asked Ms. Watahomigie-Corliss if she has researched the requirements to be a technician. Ms. Watahomigie-Corliss stated no.

Mr. McAllister asked Ms. Watahomigie-Corliss how she decided that she wanted to be a pharmacy technician. Ms. Watahomigie-Corliss stated that a technician in the pharmacy had quit and she was asked if she would like to help in the pharmacy. Ms. Watahomigie-Corliss stated that she submitted her application in January and was asked to appear at the meeting.

Mr. McAllister asked Ms. Watahomigie-Corliss if she is aware that she must pass an exam. Ms. Watahomigie-Corliss stated that she is aware that she must pass an exam in the next two years.

Mr. Dutcher asked Ms. Watahomigie-Corliss if she has any issues with alcohol. Ms. Corliss stated that she does not have an issue with alcohol. Ms. Watahomigie-Corliss stated that she attended an alcohol class .

Ms. Watahomigie-Corliss stated that she attends Coconino Community College in Flagstaff and plans on obtaining an associate degree in another year or so. Ms. Watahomigie-Corliss stated that she then plans to transfer to a university to complete a degree.

On motion by Mr. Dutcher and Ms. Honeyestewa, the Board approved the request by Ms. Watahomigie-Corliss to proceed with technician licensure. There was one nay vote from Mr. Van Hassel.

#4 Dione Velazquez

Dione Velazquez appeared on her own behalf to request that her pharmacy technician license be reinstated.

President Van Hassel opened the discussion by asking Ms. Velazquez about the nature of her request. Ms. Velazquez stated that she is requesting that her pharmacy technician license be returned to her so that she can return to practice.

Ms. Velazquez stated that she is currently working at Preferred Homecare. Ms. Velazquez stated that she was hired because she had a pharmacy background. Ms. Velazquez stated that she does prior authorizations for chemotherapy. Ms. Velazquez stated that she would like to be a technician again.

Mr. Van Hassel asked Ms. Velazquez why she does not have a pharmacy technician license. Ms. Velazquez stated that her license was revoked because she tested positive on a random drug screen for marijuana. Ms. Velazquez stated that she was given marijuana brownies by neighbor kids, became ill, and was drug tested the next day at her job. Ms. Velazquez stated that she was terminated by her employer and her employer reported the incident to the Board and her license was revoked.

Mr. Van Hassel asked Ms. Velazquez what she has done since her license has been revoked. Ms. Velazquez stated that she went to school for medical coding. Ms. Velazquez stated that she did her internship at Preferred Homecare and they hired her the first day. Ms. Velazquez stated that they hired her because she had pharmacy experience.

Mr. Van Hassel asked Ms. Velazquez what she intends to do if her pharmacy technician license is returned to her. Ms. Velazquez stated that she would like to return to pharmacy and move up with the company where she is currently working. Ms. Velazquez stated that in order to progress with this company she would like to have her license back.

Mr. Dutcher asked Ms. Velazquez if coding and billing is less stressful than being a pharmacy technician. Ms. Velazquez replied no.

Mr. McAllister stated that he felt that it would be appropriate to offer Ms. Velazquez her license back with a probationary period and she must notify all employers.

On motion by Mr. McAllister and Dr. Berry, the Board unanimously agreed to offer Ms. Velazquez an offer of reinstatement with probation for the next 12 months with all employers being notified. If the offer is not accepted, then the request for reinstatement is denied.

AGENDA ITEM 7 – Special Requests

#1 Paul Okamoto

#2 Peter Massrock

#3 Caroline Begay

Paul Okamoto, Peter Massrock, and Caroline Begay, appeared on their own behalves to request termination of probation.

President Van Hassel stated that all three individuals were involved in an incident that involved the same consumer complaint. Mr. Van Hassel stated that each participant was fined and placed on probation. Mr. Van Hassel stated that all the terms of the probation have been completed.

Mr. Dutcher asked the individuals what they have learned during this probationary period.

Mr. Massrock stated that he has learned and stressed to the technicians that only a pharmacist can accept the denial for counseling.

Mr. Okamoto stated that as the Pharmacist In Charge he has reminded every technician that only the initials of the pharmacist present are to be entered into the computer. Mr. Okamoto stated that he has reminded all the technicians that every new prescription must be counseled.

Ms. Begay stated that she has learned to double check all her work when she enters a prescription.

On motion by Mr. McAllister and Dr. Smidt, the Board unanimously approved the request by Mr. Okamoto (Board Order 07-0025-PHR), Mr. Massrock (Board Order 07-0027-PHR) and Ms. Begay (Board Order 07-0024-PHR) to terminate probation and return their licenses to active status.

#4 Paul Sanchez

Paul Sanchez appeared on his own behalf to request termination of probation.

President Van Hassel opened the discussion by asking Mr. Sanchez to describe the nature of his request.

Mr. Sanchez stated that he is appearing to request that his probation be terminated. Mr. Sanchez stated that he was placed on probation in October of 2006 and has completed the terms of the probation.

Mr. Haiber asked Mr. Sanchez how he has changed his practice concerning DUR overrides.

Mr. Sanchez stated that the company has retrained all technicians concerning the overriding of DUR interactions. Mr. Sanchez stated that he is no longer working for the company.

Mr. Sanchez stated that he has changed his whole perception of what needs to be done to provide a safe pharmacy environment. Mr. Sanchez stated that he is ensuring that each patient receives counseling and enough time is being spent with the patient to ensure no errors leave the pharmacy.

Mr. Van Hassel asked Mr. Sanchez where he is currently working. Mr. Sanchez stated that he is working per diem for a home infusion company.

Mr. Dutcher asked Mr. Sanchez about his CE units that he completed. Mr. Dutcher asked Mr. Sanchez to address the one lesson he completed on Stress and Burnout threats to patient safety.

Mr. Sanchez stated that he felt that he was under stress that day when he made the error. Mr. Sanchez stated that he feels that many pharmacists can relate to the stress levels in the pharmacy. Mr. Sanchez stated that not all stress is created by the work environment, but can come from one's personal life. Mr. Sanchez stated that day he was notified that his mother was diagnosed with cancer. Mr. Sanchez stated that he was trying to deal with this issue, the stress of the normal workday, and not eating. Mr. Sanchez stated that this particular CE stated that as an individual you may need to step away from the situation. Mr. Sanchez stated that the article recommended that maybe an additional pharmacist would be needed when stressful situations occur.

Mr. Dutcher asked Mr. Sanchez if he would be able to step away if he was placed in the same situation again. Mr. Sanchez stated that he would try every step possible to have someone relieve him, so that an error would not occur. Mr. Sanchez stated that he would be devastated if something like this happened to one of his family members.

Mr. Dutcher asked Mr. Sanchez if he would have the courage to contact his employer. Mr. Sanchez stated that a lot more pharmacists need to get the courage to step away when needed. Mr. Sanchez stated that it is hard for most pharmacists to step away because you do not want to step on any toes and you do not want your employer to think that you cannot handle the job.

Mr. Dutcher stated that corporations must look at how to help pharmacists handle the stress.

On motion by Mr. Dutcher and Dr. Berry, the Board unanimously agreed to approve the request by Mr. Sanchez to terminate the probation imposed by Board Order 07-0014-PHR.

#5 Bhavi Shah

Bhavi Shah appeared on her own behalf to discuss her TOEFL iBT scores and past TSE scores.

President Van Hassel opened the discussion by asking Ms. Shah the nature of her request. Ms. Shah stated that she is requesting an exemption for the TOEFL iBT.

Mr. Wand stated that in the past the Board offered an alternate exam for the TSE at the Board Meeting. Mr. Wand stated that the Board asked the individual questions or asked them to counsel the Board on a certain medication. Mr. Wand stated that this is the first

person that has requested an alternate exam for the new exam. Mr. Wand stated that the new exam has both written and oral portions. Mr. Wand stated that we do not have an equivalent exam that contains both written and oral tests.

Mr. Hargraves asked if there was an equivalent exam in the past. Mr. Wand stated that in the past the Board asked questions at the Board Meeting and the applicant gave their response.

Mr. Hargraves stated that statute does provide for the proficiency exam. Mr. Hargraves stated that he would recommend that the Board establish a test for the future with set guidelines.

Mr. Dutcher asked Mr. Hargraves if the Board could have a committee or staff administer an alternate exam. Mr. Hargraves stated that guidelines should be established so that everyone would be given the same type test. Mr. Wand stated that every applicant was asked the same type of question.

Mr. Hargraves stated that the Board could not administer the exam at this meeting. Mr. Hargraves stated that the agenda only addresses the request by Ms. Shah. Mr. Hargraves stated that the exam could be placed on the agenda at a future meeting.

Mr. Wand asked if the Board could make a motion to have the exam administered by the Office Staff. Mr. Hargraves replied yes.

On motion by Mr. McAllister and Dr. Berry, the Board unanimously agreed to administer an oral exam to Ms. Shah at the office. If the staff feels comfortable with the language skills of Ms. Shah, then the waiver would be approved. If the staff does not feel comfortable with the language skills of Ms. Shah, then the request will be referred back to the Board for consideration.

AGENDA ITEM 5 – Requests/Applications for Permits & Licenses

Care Pharmacy – Resident Pharmacy

Jaya Kantipudi, Pharmacy Owner, and Goyal Boyapaty, Pharmacist in Charge were present to answer questions from Board Members.

President Van Hassel opened the discussion by asking the applicants if they had ever owned a pharmacy. Mr. Boyapaty replied yes.

Mr. Van Hassel asked the applicants what type of pharmacy they would be opening. Mr. Boyapaty stated that they would be opening a retail pharmacy servicing hospice patients. Mr. Boyapaty stated that 90% of their business would be servicing hospice patients.

Mr. Dutcher asked if the pharmacy would be automated. Mr. Boyapaty stated they would be automated. Mr. Dutcher asked Mr. Boyapaty if he is familiar with the rules for automation. Mr. Boyapaty stated yes.

Mr. Van Hassel asked Mr. Boyapaty if he planned on compounding any medications. Mr. Boyapaty replied not at this time. Mr. Boyapaty stated that in the future he may compound some medications.

At the conclusion of questions from the Board Members and **on motion by Dr. Berry and Dr. Smidt**, the Board unanimously approved the permit for Care Pharmacy. All approvals are subject to final inspection by a Board Compliance Officer where appropriate.

AGENDA ITEM # 10 - REPORTS

Executive Director Report

Mr. Wand opened the discussion by introducing the interns that were participating in rotations at the Board Office. Mr. Wand introduced Camela Ricketts, Christopher Halla, and KJ Lindgren. Mr. Wand stated that Camela and Chris completed a report for ABC news. Mr. Wand stated that ABC news contacted the Boards of Pharmacy requesting information on complaints that were filed for the last seven years. Mr. Wand stated that Camela and Chris researched the complaints for the last seven years looking for complaints that involved actual misfills. Mr. Wand stated that the most of the complaints were filed against retail pharmacies. Mr. Wand stated that 41% of all complaints involved actual misfills. Mr. Wand stated that the Board received a request from the US Senate requesting information on complaints that involved compounding errors. Mr. Wand stated that KJ would be working on that project.

Mr. Wand reviewed the budget. Mr. Wand stated that the major expenses left are for the Attorney General, the legislative liaison, and the PAPA program. Mr. Wand stated that the Office Manager has decided to retire after 34 years.

Mr. Wand stated that for next year's budget the Board has been approved to hire two new inspectors and increase the Compliance Officer's salaries.

Mr. Wand stated that the Board needed to strike the Bill for the requirement to eliminate the Pharmacist at a non-prescription manufacturing plant to place the language for the Prescription Monitoring Bill in its place. Mr. Wand stated that the money would be appropriated from the Pharmacy Fund to administer the program. Mr. Wand stated that the language in the Bill would allow for removal of funds for funding of the program.

Mr. Wand talked about the move to the downtown site. Mr. Wand stated that the meeting rooms offered to the Board at the downtown site are not satisfactory. Mr. Wand stated that he would be looking for sites to hold future meetings. Mr. Wand stated that the advantage is that the meetings could be held in different parts of the state. Mr. Wand

stated that there are several disadvantages , such as moving the equipment and possible solicitor issues for hearings.

Mr. Dutcher asked about the Emergency Prescription Legislation. Mr. Dutcher asked about the proposed refill of a 30 day supply. Mr. Wand stated that the legislature felt that an individual should have an extension if the emergency lasts longer than 30 days.

Deputy Director Report

Ms. Frush gave a brief overview of the Compliance Officer's Report and the Inspector's Report

Ms. Frush stated during the months of January and February 2007, the Compliance Staff issued letters for the following violations:

Controlled Substance Violations

1. Controlled Substance Overage – 8
2. Controlled Substance Shortage – 5
3. Controlled Substance Inventory Not Complete upon change of Pharmacist in Charge – 3
4. Failure to Conduct Controlled Substance Inventory upon change of Pharmacist in Charge – 2
5. Failure to Conduct Annual Controlled Substance Inventory accurately -1
6. Annual Controlled Substance not available – 4

Documentation Violations

1. Failure to Document Medical Conditions – 6
2. Failure to Document Required Information on an Oral Prescription – 2
3. Failure to Document Correct Date Prescription was Written -1
4. Failure to have signed technician statements concerning job description, policies & procedures and Board rules - 12
5. Failure to have technician training documentation -2
6. Daily prescription log not signed – 2
7. Failure to maintain counseling documentation -2

Dispensing Violations

1. Outdated Rx and OTC items in the pharmacy –5

Pharmacy Violations

1. Allowing technicians to work without a license – 3
2. Allowing a technician to work with an expired license - 3
3. Wall certificates not posted – 10
4. Renewal Certificates not available -6
5. Technician did not have name badge with name and title -1
6. Incorrect procedure followed for nursing home returns – 1
7. Written information missing on counseling sheets given to patient – 1
8. Pharmacist not present and pharmacy was open - 1

The following areas were noted on the inspection reports for improvement:

1. Filing of invoices

2. Technician Licenses

The following areas were noted on the inspection reports where pharmacists and technicians are meeting or exceeding standards:

1. Cleanliness of pharmacy

Areas outside the inspection reports that may be of interest:

1. Annual Controlled Substance Inventory to be conducted May 1st.
2. Physician Assistants can prescribe up to a 14 day supply on a CII prescription if they are certified.

PAPA Report

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of forty (40) pharmacists in the PAPA program. Since the last report on January 24, 2007, there have been two (2) new participants that entered the program and there have been two (2) contracts that have been terminated.

Mr. Dutcher asked Ms. Yates if there were still PAPA members that owed the program money. Ms. Yates thanked the Board for sending out the letters and indicated that the Board sent letters to eight (8) PAPA members that owed the program money. Ms. Yates stated that 6 participants have paid the amount that they owed the program.

APA Report

Mindy Rasmussen, Executive Director of the Arizona Pharmacy Alliance (APA), was present to update the Board concerning the activities of the Alliance.

Ms. Rasmussen stated that on February 12, 2007 approximately 200 student interns took part in the Legislative day activities.

Ms. Rasmussen stated that legislation that the Alliance is sponsoring is the Medication Therapy Management Bill, which is HB2256. Currently the Bill was not supported through the House through appropriations. The Alliance has agreed to do a pilot program with the AHCCCS program. The program would be geared towards the Federally qualified health centers allowing pharmacists to obtain payment for cognitive services.

Ms. Rasmussen stated that HB2255 which is for Continuous Quality improvement management has passed through the House and Senate. There were several amendments to the Bill including one from the hospital association stating that hospital pharmacies would be exempt if they are accredited by JCAHO.

Ms. Rasmussen stated that topics for future legislation include: Immunization bill, audit reform, modification of Collaborative Practice, Pseudoephedrine bills, any willing provider, therapeutic substitution, and payment for pharmacists to provide medication therapy management services.

Ms. Rasmussen discussed various CE programs that would be provided by the Alliance.

Ms. Rasmussen stated that the Alliance membership has increased by 26% in the last year. Ms. Rasmussen indicated that the Alliance has approximately 1600 members. Ms. Rasmussen stated that 1100 members are pharmacists with the remaining members being interns, pharmacy technicians, and retired pharmacists.

AGENDA ITEM 12 – Proposed Rules

Unethical Practices/Prescription Requirement Rules

Compliance Officer/Rules Writer Dean Wright opened the discussion by stating that the Board Staff has looked at the Missouri Board of Pharmacy's rules concerning the issue of dispensing a prescription drug based on internet-based questionnaires, internet-based consultations, or telephonic consultations without a valid pre-existing practitioner-patient relationship. Mr. Wright stated that with the help of the Assistant Attorney General, the staff has prepared these draft rules for Board discussion and action.

Mr. Van Hassel stated that he feels that this is a topic that needs discussed because of changing technology.

Mr. Wright stated that this rule would be placed under unethical rules.

Mr. Wright stated that a pharmacist must ensure that the practitioner is licensed to practice in the United States, Mexico, or Canada and has conducted a physical exam of the patient or has a pre-existing practitioner-patient relationship.

Dr. Smidt asked if the physician would need to be licensed both in the United States and Mexico or Canada.

Mr. Wright stated that if a pharmacist wants to fill a prescription from Mexico or Canada the patient would need to have been seen because the prescription must be on the doctor's original prescription blank.

Dr. Smidt stated that he feels that the previous practitioner-patient relationship needs to be defined.

Mr. Wand stated that the Medical Board defines a practitioner-patient relationship.

Mr. Dutcher asked if the patient has been getting the medication from the same doctor online does that constitute a valid patient-doctor relationship.

Mr. Wright stated that a pharmacist should not be filling internet prescriptions and that is considered unprofessional conduct if the pharmacist knowingly fills an internet prescription.

Mr. Dutcher stated that he feels that this may be a loophole.

Mr. Van Hassel asked Mr. Wright if he reviewed any other state's laws. Mr. Wright stated no. Mr. Wright stated that he could do some more research on this law.

AGENDA ITEM 13 – Five- Year Rule Review

President Van Hassel asked Mr. Wright to address this item. Mr. Wright stated that he needs comments from the Board Members concerning their review of Articles 1,2,3 & 4.

Mr. Wand stated that every year the Board must review certain rules. Mr. Wand stated that the Board must decide whether to make changes to the rules or let the rules stand as written. Mr. Wand stated that if the Board does not review the rules, they could be erased and the Board would need to start over again with all new rules. Mr. Wand stated that it would be appropriate to recommend no changes.

Mr. Wand requested that comments be sent to Mr. Wright so that the rules can be reviewed at the next Board Meeting.

AGENDA ITEM 16 – Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure

President Van Hassel addressed this issue. Mr. Van Hassel stated that the committee has reviewed the Pharmacy Technician Trainee requests to reapply for licensure. Mr. Van Hassel stated that the pharmacy technician trainees have received a letter stating that they may only reapply for licensure as a pharmacy technician trainee one time. Mr. Van Hassel stated that during the next two years the pharmacy technician trainee must take the PTCB test and become certified if they would like to continue to work as a pharmacy technician.

Mr. Dutcher asked if the Board is going to continue to approve technicians for relicensure. Mr. Van Hassel stated that the statutes give the Board the authority to allow pharmacy technician trainees to reapply.

Mr. Wand stated that pharmacies felt that it was necessary to allow technicians to reapply. Mr. Wand stated that the ability for the pharmacy technician trainee to reapply was a condition that was necessary for the Bill to pass. Mr. Wand stated that the number of reapplications has decreased. Mr. Wand stated that the Board would need to have a legitimate reason for denying a technician the opportunity to reapply for licensure.

Mr. Dutcher stated that the applications are reviewed by a committee. Mr. Van Hassel stated that he and Mr. Wand review the applications. Mr. Wand stated that most requests are for legitimate reasons. Mr. Van Hassel stated that it would be difficult to bring all the individuals in front of the Board to tell their story.

Dr. Smidt asked if the time could be reduced to less than 2 years for someone reapplying. Mr. Wand stated that the statute grants them an additional 2 years. Mr. Wand stated that in order to change the time requirements a bill would need to be introduced to change the statutes.

President Van Hassel asked to table the discussion at this time and place the topic on the next Board Meeting's agenda for discussion.

On motion by Mr. Dutcher and Dr. Berry, the Board unanimously approved the requests of the Pharmacy Technician Trainees listed below to proceed with the reapplication process. The pharmacy technician trainee may reapply for an additional two years as a pharmacy technician trainee one time.

Pharmacy Technician Trainees Approved to reapply for licensure as a Pharmacy Technician Trainee for an additional two years.

- | | |
|----------------------------|-------------------------|
| 1. Joanna Jackson | 23. Jason Tunks |
| 2. Lyndsay Lewis | 24. Mary Frances Miller |
| 3. Sara Quinones | 25. Barry Moore |
| 4. Toni Bolen | 26. Abrar Alsafi |
| 5. Trina Fowler | 27. Penny Hagelback |
| 6. Jamie Vasquez | 28. Denise Freeman |
| 7. Christine McKinnon | 29. Juanita Morales |
| 8. Abraham Grant | 30. Ana Anderson |
| 9. Christine Acosta | 31. Noah Mendez |
| 10. Andrew Chavez | 32. Leticia Wilson |
| 11. Alice Granados | 33. Trina McMillan |
| 12. Romona Denney | 34. Adrienne Morey |
| 13. Daisyree Vargas-Lebron | 35. Sandra Acosta |
| 14. Heather Perry | 36. Stephanie Moon |
| 15. Alfonso Sandoval | 37. Tina Louise Bean |
| 16. Gabriel Bueras | 38. Kristin Donnelly |
| 17. Alma Figueroa | 39. Jennifer Martinez |
| 18. Victoria Bass | 40. Mary Burt |
| 19. Gabriel Avilez | 41. Justin Contreras |
| 20. Anzhela Suleymanova | 42. Rebecca Reiter |
| 21. Denise Grijalva | 43. Laura Winans |
| 22. Janette Ruiz | 44. Karen Williams |

AGENDA ITEM 19 – Meeting Schedule

President Van Hassel opened the discussion by stating that some Board Members have a scheduling conflict with the meeting scheduled for September. Mr. Van Hassel stated that presently the meeting is scheduled for September 12th and 13th.

After discussing the various dates, the Board Members determined that they would hold the meeting in Yuma on September 19th and 20th.

AGENDA ITEM 18 – Ruling in Maricopa County Superior Court Case No. LC2006-000704-001DT Re: Low Cost Pharmacy, Inc.

President Van Hassel stated that the Board would now discuss Agenda Item 18.

On motion by Mr. Dutcher and Dr. Berry, the Board unanimously agreed to hold an executive session for the purpose of discussion or consultation with the Board's attorney in order to consider the Board's position and instruct its attorneys in pending or contemplated litigation. The Executive Session was held from 11:30 AM to 12:02 PM after which the Board recessed for lunch.

The meeting reconvened at 1:15 P.M.

AGENDA ITEM 18 – Ruling in Maricopa County Superior Court Case No. LC2006-000704-001DT Re: Low Cost Pharmacy, Inc.

On motion by Dr. Berry and Mr. Dutcher, the Board unanimously agreed to allow the Assistant Attorney General to proceed as directed in the Executive Session.

AGENDA ITEM 11 – Conferences

Due to a conflict of interest, Dr. Berry recused himself from participating in the review, discussion, and proposed action concerning Complaint #3232, Complaint #3253, Complaint # 3258, and Complaint #3264.

Complaint #3232

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Pharmacist Tanya Thompson, Pharmacy Technician Trainee Leslie Tosh, Pharmacy Supervisor John Reitz, and Legal Counsel Amy Gobster. Compliance Office Larry Dick gave a brief overview of the complaint.

Mr. Dick stated that the complainant stated that she was called twice by the pharmacy indicating that there was a prescription ready to be picked up for her husband. When the complainant arrived at the pharmacy, she realized that the prescription had her husband's name on the prescription information, but it was not her husband's medication. The prescription was for Fortamet and was not written by her husband's doctor. It was determined by the pharmacist that this prescription was for a different patient and the prescription was not given to the patient.

President Van Hassel opened the discussion by asking Ms. Thompson if she was the pharmacist on duty when this incident occurred. Ms. Thompson replied yes.

Mr. Van Hassel asked Ms. Thompson if she could tell the Board how this mistake occurred. Ms. Thompson stated that she is not certain how the error occurred. Ms. Thompson stated that she failed to notice that the prescription was scanned to the wrong patient's profile.

Ms. Thompson stated that when the complainant's wife came to pick up the prescription she was not told the name of the medication. Ms. Thompson stated that the complainant was angry when she came in because she had received a phone call. Ms. Thompson stated that while the technician was talking to the patient she looked up the prescription and informed the complainant that an error was made and there was no prescription for her husband. Ms. Thompson stated that the technician told the complainant the name of the prescription and the use of the medication. Ms. Thompson stated that the medication was not given to the patient.

Ms. Thompson stated that the calls were automated.

Mr. Van Hassel asked if there is any idea how the error occurred. Ms. Thompson said she is not sure what the connection was between the two patients. Ms. Thompson stated that she is more aware of paying attention to these details since this error occurred. Ms. Thompson stated that she could not verify for whom the original prescription was written because the prescription was deleted.

Mr. Van Hassel asked Ms. Toth if she had any idea how this error occurred. Ms. Toth stated that she was the technician that took the prescription from the patient and scanned the prescription to the profile of the complainant's husband. Ms. Toth stated that she is not sure for whom the prescription was written because it was deleted from the profile.

Mr. Van Hassel asked how prescriptions are deleted from the system. Mr. Reitz stated that when it was discovered that the prescription was scanned to the wrong patient the prescription was then re-scanned to the correct patient.

On motion by Mr. McAllister and Dr. Smidt, the Board unanimously agreed to dismiss the complaint with no further disciplinary action.

Complaint #3248

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Pharmacist In Charge Chris Meilinger, Pharmacy Operations Supervisor Mitch Peretz, and Corporate Pharmacist Jeff Kimball. Compliance Officer Dean Wright gave a brief overview of the complaint.

Mr. Wright stated that the complaint was submitted anonymously. The complainant stated that the Pharmacy Manager gave a technician unsupervised access to the control room at the pharmacy and the technician stole controlled substance medications. Mr. Wright stated that the technician did divert controlled substance medications and was offered a consent order. Mr. Wright stated that Mr. Meilinger and Mr. Peretz were asked

to appear because they failed to report to the Board that a technician had diverted drugs. The fact that the technician had diverted drugs was discovered when the Compliance Officer conducted his complaint investigation.

President Van Hassel asked Mr. Meilinger to address this complaint. Mr. Meilinger stated that when the incident occurred that he was not aware that they were required to report to the Board the diversion of drugs by a technician. Mr. Meilinger stated that both he and Mr. Peretz understood that they were to report pharmacists, but were not aware that they must report technicians. Mr. Meilinger stated that they did not know that the change in laws in 2005 included technicians.

Mr. McAllister stated that even though they were not aware of the rule change he would always consider notifying the Board when an incident occurred involving controlled substance diversion with any employee.

Mr. Peretz stated in retrospect it was not the best judgment. Mr. Peretz stated that now that they are aware of the rules, they have had a subsequent incident not involving diversion, but addiction, and have reported that situation to the Board. Mr. Peretz stated that the lesson was learned.

Mr. Dutcher asked about the inventory audit. Mr. Peretz stated that when they did the initial audit the tablet count was off by only 10 tablets. Mr. Peretz stated when Mr. Wright did the audit at a later date they were off by 156 tablets.

Mr. Dutcher asked if process is automated. Mr. Peretz stated that the missing drug was counted by hand. Mr. Peretz stated that there is a possibility of a miscount when counted by hand.

Mr. Dutcher asked if all controlled substance medications are counted by hand. Mr. Peretz stated that all CII medications are counted by hand. Mr. Peretz stated that CIII-CV are either in counting cells, counted by hand, or counted using a scale.

Mr. Meilinger stated that the automated counting devices are calibrated monthly.

Mr. Peretz stated that the medication is counted on a scale that counts by weight. Mr. Peretz stated that the machine is calibrated on a monthly basis.

Mr. Dutcher asked Mr. Wright if he counted any tablets using the scale. Mr. Wright stated that he did not and the rules requiring calibration and maintenance of counting devices go into effect on April 7, 2007

Mr. Peretz stated that the scale is recalibrated when using a manufacturer's full pack to check the calibration.

Dr. Smidt asked if they have changed their policy on inventorying controlled substances. Mr. Meilinger stated that they would be doing their annual controlled substance inventory on May 1st and after May 1st they would be conducting an inventory every 6 months.

Mr. Peretz stated that they do spot inventories and have had no issues. Mr. Meilinger stated that CII medications are inventoried by doing a perpetual inventory.

Mr. Wright stated that it is important to note that the theft occurred from a filled prescription that was headed to the shipping department. Mr. Wright stated that the technician had located the vial on the line, opened the vial, took tablets, and then placed the vial back on the line.

Mr. Peretz stated that the pharmacy heat seals every vial so that if there is any penetration into the vial it would be noted immediately. Mr. Peretz stated that the individual peeled off the heat seal, removed 33 tablets, reapplied the seal, and placed the product back on the line. Mr. Peretz stated that the theft was caught before the product left the building.

Mr. Meilinger stated that they have added additional video coverage of the line where finished products are traveling to the receiving area.

On motion by Dr. Smidt and Mr. Dutcher, the Board unanimously agreed to dismiss the complaint.

Complaint # 3283

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Pharmacist In Charge Chris Meilinger, Pharmacy Operation Supervisor Mitch Peretz, and Corporate Pharmacist Jeff Kimball. Compliance Officer Dean Wright gave a brief overview of the complaint.

Mr. Wright stated that the complainant stated that the pharmacy filled his Omeprazole prescription with Prilosec instead of the generic product. When the complainant called the pharmacy, he was not able to speak with a pharmacist. Mr. Wright stated that the prescription was filled correctly. Omeprazole 40 mg is not available generically, so the prescription was filled with Prilosec 40 mg. Mr. Wright stated that he tried calling the pharmacy to speak with a pharmacist and was told that they would create a message for the pharmacist to call him back and that they do not transfer anyone to a pharmacist.

President Van Hassel asked Mr. Meilinger to explain what occurred in this complaint. Mr. Meilinger stated that the pharmacy is supported by multiple call centers. Mr. Meilinger stated that there are call centers located in the following areas: Phoenix, Arizona, Sandy, Utah, Cincinnati, Ohio, and Louisville, Kentucky. Mr. Meilinger stated that the process that should be followed is that when a member calls and requests to speak to a pharmacist the call is transferred to a subject matter expert team. The reason for the subject matter expert team is because some patients misinterpret the reason that they need to speak to a pharmacist. Mr. Meilinger stated that often patients want to talk

to the pharmacist to refill their prescription or want assistance with their copay issue. Mr. Meilinger stated that the purpose of the subject matter team is to filter the calls. Mr. Meilinger stated that the pharmacists should be handling calls concerning medication identification, clinical questions, or a potential misfill. Mr. Meilinger stated that when the patient and Mr. Wright called the calls should have been transferred to the Phoenix team and triaged to the member service area.

Mr. Meilinger stated that with all the different call centers it is difficult to maintain policies and procedures. Mr. Meilinger stated that when Mr. Wright showed him the complaint they had the routing of the IVR changed that night. Mr. Meilinger stated that whenever anyone requested to speak to a pharmacist their calls were automatically directed to the Phoenix facility.

Mr. Meilinger stated since that time they have refined the process. Mr. Meilinger stated that some call center associates have been moved to the member services team. Mr. Meilinger stated that the call is then transferred to a pharmacist. Mr. Meilinger stated that this has improved their level of service. Mr. Meilinger stated that the number of calls that have been transferred to the pharmacists has increased. Mr. Meilinger stated that if they are not able to answer the call their goal is to return the call in the same day. Mr. Meilinger stated that if it is not an immediate need the call is usually returned by the next day. Mr. Meilinger stated that sometimes calls are transferred in error.

Mr. Meilinger stated that on April 16, 2007, the IVR will change again. Mr. Meilinger stated that the questions would be asked if the patient needs a refill, if they have questions about billing, and if they have a copay issue. These calls would then be routed to the appropriate area, since these are the types of calls that are clogging the line to speak to the pharmacist.

Mr. Peretz stated that the calls would be triaged. Mr. Peretz stated that there will be no delay if a patient states the reason why they need to talk to a pharmacist.

Mr. Peretz stated that they are calling in to check their service levels.

Mr. Meilinger stated that he calls in monthly as a Provider and a Member to check their service levels. Mr. Meilinger stated that both times he has called the pharmacy line as a member he was transferred to a pharmacist within 1 minute. Mr. Meilinger stated that they have instructed the Team Leaders to contact any pharmacist to help a patient if all the member service pharmacists are busy on the phone.

Mr. Haiber asked Mr. Meilinger if they measure their average call hold time. Mr. Haiber asked Mr. Meilinger if they measure their average wait time.

Mr. Kimball stated that the average speed to answer the call is 18 seconds. Mr. Kimball stated that the total number of calls handled in 20 seconds or less is 91%.

Mr. Meilinger stated that the average speed of answer for the member services area is 26 seconds.

Mr. Haiber asked Mr. Meilinger if they have hired more employees. Mr. Meilinger stated that they have hired more technicians and pharmacists for the member service areas. Mr. Meilinger stated that they have moved more customer service associates to the member service areas.

Dr. Smidt stated that he feels that this is a customer service issue. Mr. Wright stated that by law a mail order pharmacy is required to have a pharmacist available during business hours to speak with patients.

On motion by Mr. McAllister and Mr. Haiber, the Board unanimously agreed to issue an advisory letter to the permit holder.

Complaint # 3251

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Pharmacist William Markham and Pharmacy Supervisor Kim Soricone. Compliance Office Larry Dick gave a brief overview of the complaint.

Mr. Dick stated that the complainant had two prescriptions filled. One prescription was for Metronidazole and the other prescription was for Vicodin 5/500.

The complainant stated that she took her Metronidazole three times a day for approximately 10 days when the tablet she took appeared different. The complainant stated that she called the pharmacy and it was determined that the vial contained both Metronidazole and generic Vicodin. The patient determined that she had been taking Vicodin instead of Metronidazole. The patient stated that the Vicodin vial contained the correct medication.

President Van Hassel asked Mr. Markham to address the complaint. Mr. Markham stated that he works at a very busy store and they fill between 450 to 500 prescriptions daily. Mr. Markham stated that the prescription was filled on October 2, 2006.

Mr. Markham stated that the pharmacy follows a particular routine. Mr. Markham stated that one technician would enter the prescription, one technician would fill the prescription, and then the prescription is passed in a basket to the pharmacist for final verification.

Mr. Markham stated the he cannot understand how the error occurred. Mr. Markham stated that the stock bottles are scanned and the filling technician scans the stock bottle and the label to ensure that they have the correct medication. Mr. Markham stated that if the procedure is followed then an error could not have occurred.

Mr. Dutcher asked Mr. Markham if he believes that the error did not occur in the pharmacy. Mr. Markham stated that in hindsight it is possible that the filling technician was distracted and another technician completed the prescription.

Mr. Dutcher stated that the patient did have a previous hydrocodone prescription. Mr. Dutcher stated that the math does not add up. Mr. Dutcher stated that the patient was given 42 tablets and after 10 days had 22 tablets left.

Mr. Markham stated that when the Compliance Officer conducted the investigation the complainant still had most of the Vicodin prescription left. Mr. Markham stated that when Mr. Cieslinski counted the Vicodin tablets he noted two different brands. Mr. Markham stated that it was not noted that they had dispensed two different brands.

Mr. Haiber asked Mr. Markham how they label the bottle when they use two different brands. Ms. Soricone stated that part of the label is handwritten. Ms. Soricone noted that they note on the refill tag that they dispensed two brands and the brands dispensed.

Mr. McAllister asked if the technicians in the pharmacy log in under the pharmacist's initials. Ms. Soricone stated that they are currently handing out a "Best Practice Manual" and one of the corrections is that if a technician or pharmacist leaves in the middle of a job they must start at the beginning of the process and they cannot use any other initials than their own.

Ms. Soricone stated that the technicians use their initials and log in along with the pharmacist's initials.

Mr. Haiber recommended that they use two separate bottles for labeling different generics.

On motion by Mr. Dutcher and Mr. McAllister, the Board unanimously agreed to dismiss the complaint and take no further disciplinary action.

Complaint #3253

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Robby Jacobs, Divisional Director for Pharmacy Operations for Walgreens Western Division, Joe Leyba, Pharmacy Supervisor, and Legal Counsel Roger Morris. Compliance Officer Dean Wright gave a brief overview of the complaint.

Mr. Wright stated that the patient's wife filed the complaint stating that a pharmacy chain filled 27 prescriptions for her husband for Actiq over a nine month period. Some of the prescriptions were filled as much as 22 days early based on the prescriber's directions.

President Van Hassel asked Mr. Jacobs to explain why the pharmacists overrode the early warnings.

Mr. Jacobs stated that this is a unique situation. Mr. Jacobs stated that upon review pharmacists usually have a greater tendency to turn away patients.

Mr. Jacobs stated that he has reviewed the 23 prescriptions in question that were filled early. Mr. Jacobs stated that he has listed the reasons for the DUR override.

Mr. Morris stated that the most of the overrides were due to dosing issues.

Mr. Leyba stated that several of the overrides were due to vacation overrides where the patient was going to be out of town. Mr. Leyba stated that there is no documentation for the vacation overrides.

Mr. Leyba stated that a senior technician at the store told him that she had contacted the doctors to let them know that the patient had seen various doctors. Mr. Leyba stated that there is no documentation.

Mr. Dutcher asked if the pharmacist could see the patient's complete profile. Mr. Jacobs stated that the pharmacist can utilize the central profile search and see all the prescriptions the patient has received in the past.

Dr. Smidt stated that the graphic representation shows what the patient did and what the pharmacy did. Dr. Smidt stated that some of the prescriptions should not have been dispensed because they were a reduction in strength or dose. Dr. Smidt stated that the rationalization for dispensing all the prescriptions was a change in dose.

Mr. Jacobs stated that is the rationalization the pharmacist used for dispensing the medication. Mr. Jacobs stated that the pharmacists did not do everything that they could have done in reviewing the patient's prescriptions.

Mr. Leyba stated that they were not offering this as an excuse for the early dispensing of the Actiq. Mr. Leyba stated that their goal is to have the pharmacist look at the patient's profile and see the dosage changes and document the reasons why the medications were released early.

Mr. Wand asked Mr. Leyba if any of the pharmacists contacted the physicians. Mr. Leyba stated that there is no documentation. Mr. Leyba stated that one pharmacist stated that he called the insurance company because he was concerned. Mr. Leyba stated that the patient always presented in pain and was trying to obtain medication.

Mr. Wand told Mr. Leyba that he might want to issue a memo to all the pharmacists reminding them to document any consultation with doctors concerning patient's drug regimens.

Mr. McAllister stated that looking at the patient profile there are no health conditions documented and that may have helped the pharmacists realize that the patient had a problem.

Dr. Smidt stated that the pharmacists are still relying on the insurance company to adjudicate the claims. Dr. Smidt stated that the pharmacist should decide when the patient receives the prescription based on their professional judgment.

Mr. Jacobs agreed that the pharmacists should not have filled the prescriptions early in most cases.

Dr. Smidt noted that many pharmacists feel that if the prescription is adjudicated by the insurance company than it is okay to fill.

Mr. Dutcher stated that Store 3048 filled the most prescriptions early. Mr. Leyba responded that the Senior Technician at the store did tell him that she telephoned the doctor concerning the fact that the patient received numerous prescriptions from different doctors.

Mr. Wand asked Mr. Jacobs if he knew if the Medical Board had made a decision against any of the physicians. Mr. Jacobs replied he does not know.

Mr. Van Hassel stated that large quantities of medication were dispensed each time. Mr. Van Hassel stated that this is flagrant.

Mr. Dutcher asked if this is typical action at Store 3048 and Store 3049 to fill prescriptions early for patients. Mr. Leyba stated that these two stores do not fill prescriptions early on a routine basis.

Mr. Jacobs passed out a "Good Faith" dispensing memo that was being sent to all pharmacies.

Dr. Smidt stated that he feels that the memo should go further. Dr. Smidt stated that he feels someone should set aside the time to discuss the issue and the pharmacists should take responsibility for their actions.

Dr. Smidt stated that he feels that Store 3048 and Store 3049 should appear in front of the Board.

A motion was placed on the floor by Mr. Dutcher and Dr. Smidt, to close the Complaint against Store 3344 and open a complaint against Store 3048 and 3049 and have them appear at the next Board Meeting. A roll call vote was taken. (Dr. Smidt – aye, Ms. Honeyestewa – nay, Mr. McAllister – nay, Mr. Haiber – aye, Mr. Dutcher – aye, Mr. Van Hassel – nay) . The motion fails.

Mr. McAllister opened the discussion by stating that the Board has received the Corporate response. Mr. McAllister feels that the Corporation will take care of the issue.

Mr. Leyba stated that the Pharmacy Supervisors would be educating all pharmacists concerning the Good Faith dispensing guidelines.

Mr. Jacobs stated that the Good Faith guidelines would be discussed at the next Pharmacy Manager's Meeting.

On motion by Mr. McAllister and Ms. Honeyestewa, the Board unanimously agreed to issue an advisory letter to the permit holder.

Mr. Hargraves asked to clarify for the record to which store the letter should be sent. It was decided that the letter should be sent to the permit holder of the Store where the complaint originated.

Complaint #3258

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Pharmacist David Rugolo, Pharmacy Technician Trainee Mishka Martin, Pharmacy Supervisor John Reitz, and Legal Counsel Amy Gobster. Compliance Office Larry Dick gave a brief overview of the complaint.

Mr. Dick stated that the complainant's prescription for Effexor XR 75 mg was filled with Effexor 75 mg and the error was not discovered until the prescription was refilled.

President Van Hassel opened the discussion by asking Mr. Rugolo to discuss the error. Mr. Rugolo stated that the prescription was written as tablet in the directions and he was concentrating on the generic name instead of the dosage form. Mr. Rugolo stated that he verified the data that was entered incorrectly. Mr. Rugolo stated that the prescription was not entered for the sustained release formulation. Mr. Rugolo stated that the product was verified correctly with the data that was entered and verified.

President Van Hassel asked how the error was discovered. Mr. Rugolo stated that the error was found when the prescription was refilled. The patient was contacted and told that the prescription should have been filled for the XR formulation.

Mr. Smidt asked how the pharmacist recognized that the wrong dosage form was dispensed.

Mr. Rugolo stated that the image of the original prescription shows on the screen when the prescription is refilled. Mr. Rugolo stated that the pharmacist looked at the original prescription and realized the original prescription was dispensed incorrectly.

Mr. Reitz stated that the review of the prescription image is considered a standard of practice for the pharmacist.

Mr. Dutcher stated that the prescription is computer generated and many of the programs state tablets in the directions when they are computer generated.

Dr. Smidt asked Mr. Rugolo what he would have done differently looking back on the situation.

Mr. Rugolo stated that he would initiate a call to the doctor's office to verify the dosage form. Mr. Rugolo stated that the dosage form was wrong in the directions.

On motion by Dr. Smidt and Mr. Haiber, the Board unanimously agreed to issue an Advisory Letter to the Pharmacist.

Complaint #3264

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Pharmacist Navarro Galloway, Pharmacy Technician Loraine Esmaeili, Pharmacy Supervisor John Reitz, and Legal Counsel Amy Gobster. Compliance Office Larry Dick gave a brief overview of the complaint.

Mr. Dick stated that the prescription for the complainant's son was filled incorrectly. The prescription was written for Clonidine 0.1 mg with directions to take one to three tablets nightly as needed for sleep. The medication dispensed was Clonazepam.

Mr. Dick stated that the complainant had picked up her son's prescription on Friday evening. The complainant stated that her son took the medication with him to the church retreat. The complainant stated that she received a phone call at 2:00 A.M. from her older son, who was also on the retreat, stating that something was wrong with his brother. The complainant's younger son told his mother that the medication he took was a different color than his previous tablets, so he only took two of the tablets. Her son stated that he felt dizzy and kept falling. The mother called a 24-hour pharmacy within the chain. The pharmacist looked up the prescription and told the mother that her son had received the wrong medication and not to take anymore of the medication. The prescription was transferred and correctly filled the next morning to one of the pharmacies in the chain that was close to where the complainant's son was attending the retreat.

President Van Hassel opened the discussion by asking Mr. Galloway to explain how the error occurred.

Mr. Galloway stated that he received a call from the patient's mother. Mr. Galloway stated that the mother told him that her son's medication looked different from the last tablets that he had taken. Mr. Galloway stated that it was determined that the prescription was filled for Clonazepam 1 mg instead of Clonidine 0.1mg. Mr. Galloway stated that the prescription was transferred to another store for the son to pick up. Mr. Galloway

stated that the doctor was called and an incident report was filed. Mr. Galloway stated that he was sorry for the error.

Mr. Galloway stated that he now double verifies all information. Mr. Galloway stated that he does the product review twice.

Mr. Dutcher asked Mr. Galloway to explain how this error happened. Mr. Galloway stated that he had overlooked that the wrong drug had been entered by the technician when he verified the data entry.

Mr. Dutcher asked Mr. Galloway if he counseled the patient. Mr. Galloway stated that he is not sure if the patient was counseled because the patient had the medication previously.

Mr. Dutcher reminded Mr. Galloway that documentation of counseling is required by law and this error may have been caught during counseling.

Mr. Dutcher asked Mr. Reitz how counseling is documented. Mr. Reitz stated as of February 3, 2007 when the law changed requiring the documentation of the pharmacist's initials for counseling, the chain developed a point of sale log.

Mr. Dutcher asked when the pharmacist's initials are recorded. Mr. Reitz stated that the log is at the consultation window and the pharmacist signs the log when they complete counseling.

Mr. Dutcher asked Ms. Esmaeili if she entered the prescription using a quick code for the drug name. Ms. Esmaeili replied yes that she typed in the first four letters of the name and she had two choices. Ms. Esmaeili stated that she selected the wrong drug.

Mr. Van Hassel stated that on the prescription the doctor wrote to cancel all previous Clonidine prescriptions. Mr. Van Hassel asked Ms. Esmaeili if she canceled the other scripts. Ms. Esmaeili stated that she does not remember if she canceled the other Clonidine prescriptions. Mr. Van Hassel stated that if she had canceled the other prescriptions for Clonidine prior to entering the prescription, she may not have made the error and entered the drug as Clonazepam.

Mr. Van Hassel asked Mr. Galloway if he verified if the other prescriptions for Clonidine were canceled. Mr. Galloway replied no that he did not cancel the prescriptions.

On motion by Dr. Smidt and Mr. Dutcher, the Board unanimously agreed to issue an advisory letter to the Pharmacist and the Pharmacy Technician.

Complaint # 3268

President Van Hassel asked if Ms. Garcia was present. Ms. Garcia was not present. Ms. Frush stated that a Pharmacy Director had reported to the Board Office that Ms. Garcia, a pharmacy technician, was terminated because she had tested positive for

benzodiazepines during a random drug test. Ms. Garcia was terminated because she violated the Company's Drug Testing Policy. Ms. Garcia stated that she took the medication from her husband's prescription.

Ms. Frush stated at the last Board Meeting the Complaint review committee requested that Ms. Garcia appear for a conference. Ms. Garcia was sent a letter. Ms. Garcia called the office stating that it would be a hardship for her to attend the meeting and asked if she could do something else. Ms. Garcia asked if she could write a letter to the Board. Ms. Frush stated that she could write the letter, but the Board would still take action on the complaint in her absence. Ms. Frush stated that Ms. Garcia's letter is scanned into the meeting book as "Technician Response to Conference Letter."

A motion was placed on the floor by Mr. Dutcher and Mr. McAllister to issue a consent agreement to Ms. Garcia for revocation of her Pharmacy Technician license. If Ms. Garcia does not sign the consent agreement, then the case would proceed to hearing.

Mr. McAllister stated that he is not sure if Ms. Garcia does have a drug problem. He stated that as an alternative to revocation he would recommend that Ms. Garcia be placed on a year's probation with random urine screens paid for by Ms. Garcia.

On motion by Mr. Dutcher and Mr. McAllister, the original motion was rescinded.

On motion by Mr. McAllister and Mr. Dutcher, the Board unanimously agreed to offer a consent agreement to Ms. Garcia placing her Pharmacy Technician license on probation for one year with Ms. Garcia paying for random drug screens during the probationary period. If Ms. Garcia does not sign the consent agreement, the case would proceed to hearing.

Complaint #3276 – Postponed

Complaint #3277

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Pharmacist Alan Zwiefelhofer, Pharmacy Supervisor Hanh Nguyen, and Legal Counsel Roger Morris. Compliance Office Dean Wright gave a brief overview of the complaint.

Mr. Wright stated that the complainant requested a refill of his Paxil prescription. When the complainant returned home, he noted that that medication was in capsule form instead of tablet form. Mr. Lovett called the pharmacy and was told that the medication was the generic for Prozac instead of Paxil. Mr. Wright stated that the pharmacy filled the prescription with Fluoxetine (Generic for Prozac) instead of Paroxetine (Generic for Paxil)

President Van Hassel opened the discussion by asking Mr. Zwiefelhofer to address the complaint. Mr. Zwiefelhofer stated that he does not recall the situation. Mr. Zwiefelhofer stated that he does not understand how the error occurred, since they use scanning technology in the pharmacy.

Mr. Van Hassel asked Mr. Zwiefelhofer to describe the prescription filling process.

Mr. Zwiefelhofer stated that in filling the prescription the label and bottle are scanned. If the scans match, the label is then placed on the prescription bottle. Mr. Zwiefelhofer stated that he was probably interrupted and could not scan the label a second time and he looked at the bottle wrong.

Mr. Van Hassel asked Mr. Zwiefelhofer if technology worked against him in this case. Mr. Zwiefelhofer stated that he felt it did not work against him. Mr. Zwiefelhofer stated that he did not double check his work when he was interrupted. Mr. Zwiefelhofer stated that he now double checks his work if he is interrupted.

On motion by Mr. McAllister and Mr. Dutcher, the Board unanimously agreed to issue an Advisory Letter to the Pharmacist.

Complaint # 3287

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Pharmacist David Valenzuela and Pharmacy Director Tony Felix.

President Van Hassel asked Mr. Valenzuela to begin the discussion, since he self-reported the violation.

Mr. Valenzuela stated that he dispensed Clonazepam 2mg. #60 to a patient without authorization from the physician. Mr. Valenzuela stated his actions took place in response to a request from a patient to refill a Clonazepam prescription that was 11 days too early to fill. Mr. Valenzuela stated that the hard copy of the prescription was given back to the patient and it was explained to the patient that the prescription was too soon to be filled. The patient returned the next day and asked Mr. Valenzuela to assist her in obtaining her medication. Mr. Valenzuela stated that the patient told him that the pharmacy did not return the prescription to her. Mr. Valenzuela stated that they looked for the prescription in the pharmacy. Mr. Valenzuela stated that when he could not locate the prescription he called the doctor and asked the doctor for permission to fill the prescription. The doctor denied the request. Mr. Valenzuela stated when he told the patient that the doctor denied the request the patient became agitated. Mr. Valenzuela stated that he then told the patient that he would fill her prescription in good faith. Mr. Valenzuela stated that he then asked the patient to contact the pharmacy if she found the prescription. Mr. Valenzuela then stated that he created a prescription, filled the prescription, and dispensed the full quantity to the patient.

Mr. Valenzuela stated that he made an error in judgment. Mr. Valenzuela stated that he was suspended for a day and was required to review the Controlled Substance Rules.

Mr. Dutcher asked Mr. Valenzuela how long he has been a pharmacist. Mr. Valenzuela replied that he has been a pharmacist for 31 years.

Mr. Dutcher asked Mr. Valenzuela why he gave into the patient's request. Mr. Valenzuela stated that the patient became agitated and stated that she suffered from panic disorder. Mr. Valenzuela stated that the waiting room was full of patients.

Mr. Dutcher asked if the patient was a long term customer of the pharmacy. Mr. Valenzuela stated that the patient had been coming to the pharmacy for a few months.

Mr. Van Hassel stated that Mr. Valenzuela went beyond the scope of his practice. Mr. Van Hassel stated that the law is black and white. Mr. Van Hassel stated that if the doctor had denied his request to fill the prescription then Mr. Valenzuela should have told the patient that he could not fill her prescription.

Dr. Smidt asked Mr. Valenzuela about the early refill problem. Mr. Valenzuela stated that he thought the pharmacy may have lost the prescription instead of returning the prescription to the patient. Mr. Valenzuela stated it was documented in the system that they had returned the prescription. Mr. Valenzuela stated that in good faith he assumed the prescription was lost instead of the patient still having the prescription in her possession.

Mr. Dutcher asked Mr. Valenzuela if he ever obtained a prescription from the patient or the doctor. Mr. Valenzuela replied no.

Mr. Haiber asked Mr. Valenzuela if he told the doctor that the prescription may have been lost. Mr. Valenzuela replied no. Mr. Valenzuela stated that he told the doctor that they returned the prescription to the patient.

Dr. Berry asked Mr. Valenzuela if the doctor gave a reason for not issuing the prescription. Mr. Valenzuela stated that the doctor did not give a reason and seemed agitated when he was speaking to her assistant about the prescription.

A motion was placed on the floor by Dr. Smidt and Mr. McAllister to send the Pharmacist an advisory letter.

Mr. McAllister stated that he does feel an advisory letter was sufficient. Mr. McAllister stated that this case is different from other cases. Mr. McAllister stated that he would like to recommend that the Board offer a consent agreement to Mr. Valenzuela. Mr. McAllister stated that he would recommend a 30-day suspension and a \$1,0000 fine.

Dr. Smidt stated that Mr. Valenzuela knows he made a mistake and has already been suspended for one day by his company.

Mr. Valenzuela stated that he is a compassionate pharmacist. Mr. Valenzuela stated that he caved because of the patient's story. Mr. Valenzuela stated that he was trusting and got burnt.

Dr. Smidt reminded Mr. Valenzuela that when the doctor denied his request to fill the prescription he should have told the patient no.

Mr. Valenzuela stated that he still looked for prescription even though he was sure they had returned the prescription. Dr. Smidt stated that it was probable that they returned the prescription to the patient and she had the prescription filled elsewhere.

On motion by Dr. Smidt and Mr. McAllister, the Board unanimously agreed to send an advisory letter to the Pharmacist.

Complaint #3293

President Van Hassel asked if Ms. Kimberly Brunner was present.

Ms. Frush stated that at the last Board Meeting the Board had requested that Ms. Brunner appear for a conference at this meeting. The Board had received a report from the Pharmacy Director that a pharmacy technician had tested positive for benzodiazepines, opiates, and barbiturates during a random drug test. The technician was suspended because she could not provide proof that she had valid prescriptions.

Ms. Frush stated that a letter was sent to Ms. Brunner with a request to respond by March 19, 2007 that the letter was received. Ms. Frush stated that when she did not receive a response from Ms. Brunner she sent an e-mail to Ms. Brunner and also followed up with a phone call to Ms. Brunner. Ms. Frush stated that Ms. Brunner did not respond to the e-mail or call.

On motion by Dr. Smidt and Mr. McAllister, the Board unanimously agreed to issue a Consent Agreement to Ms. Brunner for revocation of Pharmacy Technician license. If Ms. Brunner does not sign the consent agreement, then the case would proceed to hearing.

Complaint #3294

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Pharmacist Elizabeth Hogan and Legal Counsel Roger Morris. Deputy Director Cheryl Frush gave a brief overview.

Ms. Frush stated that the Board Office had received notice from a Pharmacy Director that a pharmacist was sent for a "for cause" drug test and had tested positive for Morphine. The morphine vial was also sent to the lab for analysis. The concentration in the vial

should have been 15mg/ml and there was 10 ml left in the partial vial. The results from the lab show the concentration as 0.3mg/ml.

President Van Hassel asked Ms. Hogan to address the complaint. Ms. Hogan stated that she worked at the hospital that sent her for a drug test.

Ms. Hogan stated she works the graveyard shift as a pharmacist and during the week she works one evening shift.

Ms. Hogan stated on this particular day she started her shift as usual after signing in for work. Ms. Hogan stated that when she starts her shifts she checks all IV compounded items. Ms. Hogan stated that she also does a narcotics count.

Ms. Hogan stated that while she was doing the narcotic count, she noted that the Morphine vial was not stamped with the date that the vial was opened. Ms. Hogan stated that she took the multi-dose vial and placed it on the counter while she looked for the date stamp. Ms. Hogan stated that the technician reported that the vial was missing because the vial was not where it was supposed to be.

Ms. Hogan stated that during this time she was having an anaphylactic reaction and had taken a large dose of Benadryl. Ms. Hogan stated that she went to the restroom and was gone for 15 to 20 minutes. Ms. Hogan stated that she thought she might have to go to the Emergency Room. Ms. Hogan stated that this is not the first time that she had an anaphylactic reaction since working at the hospital.

Ms. Hogan stated that when she returned to the pharmacy to talk to her shift manager about leaving, she was approached by the Pharmacy Director who physically drug her into the pharmacy and asked her what she did. Ms. Hogan stated that the Pharmacy Director, then drug her to the Occupational Health office where drug tests were conducted. Ms. Hogan stated that she had pictures to give to the Board Members of bruises on her arm where she was grabbed by the Director.

Ms. Hogan stated that she cooperated fully with the requests for the drug screens. Ms. Hogan stated that she was suffering from Tachycardia and Hypertension. Ms. Hogan stated that she took the diphenhydramine because she was planning on going home.

Mr. Morris stated that there were concerns about the vial that was analyzed. Mr. Morris stated that there were issues with the chain of custody of the vial.

Dr. Smidt asked if the incident occurred in an open environment. Ms. Hogan stated that there is the inpatient portion and all the back offices. Ms. Hogan stated that there were probably 20 people in the area.

Dr. Smidt asked if there is a window looking into the IV room. Ms. Hogan stated that the room is open on one side. Ms. Hogan stated that the room is open on the entire side of the 10 by 15 foot room.

Dr. Smidt asked if the rest of the pharmacy could see into that area. Ms. Hogan replied yes because it is an open environment.

Ms. Hogan stated that when she came back from the restroom the vial was in the place where the vial should have been. Ms. Hogan stated that nothing was found on her, in the bathroom, in her locker or with her possessions.

Dr. Smidt asked Ms. Hogan about her anaphylactic reaction. Dr. Smidt asked Ms. Hogan if this was the second time that she had experienced this reaction.

Ms. Hogan stated that this is third time that she has had an allergic reaction while working. Ms. Hogan stated that she has narrowed the allergic reaction down to something that is in Hibiclens. Ms. Hogan stated that when the pharmacy runs out of the normal chlorhexidine cleansing soap the pharmacy reverts to using Hibiclens, which they normally do not use. Ms. Hogan stated that prior to checking any pre-packed compounded items the pharmacist must scrub down.

Dr. Smidt asked Ms. Hogan if chlorhexidine is the major ingredient in Hibiclens. Ms. Hogan stated that Hibiclens does contain chlorhexidine but it is a different composition than the other cleansing agent. Ms. Hogan stated that she is allergic to Redlake 40 dye which probably is in Hibiclens.

Dr. Smidt asked if the other two anaphylactic episodes occurred at the same hospital. Ms. Hogan stated that is correct. Ms. Hogan stated that one of the episodes was documented in the ER on July 16, 2006.

Mr. McAllister asked Ms. Hogan if this incident occurred on December 20th. Ms. Hogan stated that is correct.

Mr. McAllister asked Ms. Hogan what time her shift started. Ms. Hogan stated that she normally worked three graveyard shifts and one evening shift. Ms. Hogan stated that she worked that evening shift that day and she started at 12:30 P.M.

Mr. Haiber asked Ms. Hogan if there was a confirmatory test run on the urine screen. Ms. Hogan stated that there was a confirmatory test. Ms. Hogan stated that she spoke with the lab herself. Ms. Hogan stated that there was an initial amino assay test and then there was a confirmatory GC/MS test done. Ms. Hogan stated that this test had an astronomical level of 7,500 ng/ml.

Mr. Haiber asked if both tests were positive. Ms. Hogan replied yes.

Mr. Haiber asked Ms. Hogan if there are security cameras in the area where she was working. Ms. Hogan replied not to her knowledge.

Mr. Van Hassel told Ms. Hogan that the Board has received notice that she was terminated due to a positive finding on a “for cause” drug test. Mr. Van Hassel asked Ms. Hogan why she was singled out by the director.

Ms. Hogan stated that when the technician went to fill a Morphine Bag, the technician noticed that the vial was not there. Ms. Hogan stated that the vial was in the IV room in the basket where she placed the vial while she was trying to locate a date stamp. Ms. Hogan stated that she then returned the vial. Ms. Hogan stated that she and the technician had crossed paths when she returned the vial to where it belonged. Ms. Hogan stated that is when she began to feel ill. Ms. Hogan stated that they were under the impression that she had the vial in her possession. Ms. Hogan stated that when they looked in the drawer the vial was in the drawer. Ms. Hogan stated that this was during the time that they had taken her up to Occupational Medication. Ms. Hogan stated that she was flushed and they felt that was just cause for the drug screen.

Mr. Van Hassel asked about the concentration of the morphine in the vial. Ms. Hogan replied that the concentration was 15mg/ml.

Mr. Van Hassel asked what the concentration was after the vial was tested. Ms. Hogan replied that the concentration was 0.3mg/ml.

Mr. Van Hassel asked Ms. Hogan how the change of strength could have occurred. Ms. Hogan stated that she had no idea.

Dr. Smidt asked Ms. Hogan about the date stamp. Dr. Smidt asked Ms. Hogan why she did not write the date on the vial and initial. Ms. Hogan stated that the label is covered in a plastic coating and you could not use a regular pen to write the date on the bottle. Ms. Hogan stated that the Pharmacy Director had instituted a policy where a date stamper was used because the alcohol used to clean the vials removed the dates that were written on the vial.

Dr. Smidt asked Ms. Hogan about the technician not being able to find the vial. Ms. Hogan stated that the vial was not in the drawer where the technician expected the vial to be.

Dr. Smidt asked Ms. Hogan if she asked the technician if she saw the date stamp. Ms. Hogan stated no because the technician was overwhelmed with work.

Dr. Smidt asked Ms. Hogan if there were any other complaints against her. Ms. Hogan replied no. Ms. Hogan stated that the same Director that caused the bruises in the pictures had given her an exemplary review the previous week. Ms. Hogan stated that she plans on moving and getting married. Ms. Hogan stated that the Director offered to write her an outstanding letter of recommendation and told her that she had the lowest

error rate of any pharmacist that worked there. Ms. Hogan stated that she never had a complaint against her or had her integrity questioned.

Dr. Smidt asked Ms. Hogan why the Pharmacy Director acted so drastically. Ms. Hogan stated that she does not know. Ms. Hogan stated that the only thing that she can think of relates back to the prior shift that she worked. Ms. Hogan stated that the prior shift she worked she was given a brand new technician that had never worked in a hospital and the technician should not have been put on the graveyard shift. Ms. Hogan stated that the technician made seven major compounding errors in one night that she had caught. Ms. Hogan stated that she wrote up the technician. Ms. Hogan stated that she wrote a very long and explicit letter. Ms. Hogan stated that she wrote that the technician needed more training and should not be in the IV room because it was a danger to patients. Ms. Hogan stated that the technician was livid. Ms. Hogan stated when she came in that day not even one of the technicians would speak to her because they liked the technician that she had written up.

Dr. Smidt asked Ms. Hogan how long she has worked at the hospital. Ms. Hogan stated that she has worked at the hospital for 18 months.

Dr. Berry asked if the tests were done at the hospital. Ms. Hogan stated the screens were done by J2 Labs that does all the tox screens for the hospital.

Ms. Hogan stated that 75% to 95% of the morphine excreted in the urine is glucoronidated. Ms. Hogan stated that she talked to the lab technician at J2 and the technician stated that she had never seen anything like this before. Ms. Hogan stated that GC/MS is very specific. Ms. Hogan stated that unmetabolized morphine is not excreted in the urine.

Mr. Van Hassel stated he would like to hear the other side of the story from the Director.

Mr. Hargraves stated that the Board could continue the investigation and talk to the complainant.

Mr. Van Hassel asked if an audit could be conducted. Mr. Wand stated the Compliance Officer could conduct an audit.

Mr. McAllister stated that it is the Board's responsibility to look at the entire picture. Mr. McAllister stated that an employee disappears for 20 minutes and comes back with hives which is a known side effect of Morphine leaves unanswered questions. Mr. McAllister stated that he feels both sides of the story need to be presented.

On motion by Mr. McAllister and Dr. Smidt, the Board unanimously agreed to continue the complaint investigation and ask the Employer and Ms. Hogan to appear at the next meeting for further discussion of the complaint.

Mr. Morris suggested that the actual samples from J2 be tested by another lab. Mr. Morris stated that he would like to know what was in the sample.

Mr. McAllister asked if the sample was still available.

Dr. Smidt suggested maybe someone from the lab could explain the procedure.

Dr. Berry asked also about the chain of command of the specimens.

Agenda Item 14 - Complaint Review

The Consumer Complaint Review Committee met prior to the Board Meeting to review 20 complaints. Dr. Berry and Ms. Honeyestewa served as the review committee. Board Members were encouraged to discuss issues and were encouraged to ask questions.

The Board Members discussed Complaint #3302. Board Members questioned why the complaint committee recommended an advisory letter instead of asking the pharmacist to appear for a conference. Dr. Berry stated that the pharmacist wrote an extensive letter stating what occurred and what actions were taken to correct the situation. Dr. Berry stated that the committee felt that no additional information could be obtained by asking the pharmacist to appear for a conference.

On motion by Mr. Dutcher and Ms. Honeyestewa, the Board unanimously agreed to accept the recommendations of the complaint review committee.

The following summary represents the final decisions of the Board in each complaint:

Complaint #3284 - Dismissed

Complaint #3285 - Dismissed

Complaint #3286 - Advisory Letter to the Pharmacist performing the final check

Complaint #3296 - Dismissed

Complaint #3297 - Advisory Letter to the Pharmacist In Charge concerning counseling documentation

Complaint #3298 - Conference

Complaint #3299 - Advisory Letter to the Pharmacist and the Pharmacy Technician

Complaint #3300 - Advisory Letter to the Pharmacist In Charge concerning compliance with policies

Complaint #3301 - Dismissed

- Complaint #3302 - Advisory Letter to the Pharmacist
- Complaint #3303 - Advisory Letter to the Pharmacist In Charge concerning compliance with policies
- Complaint #3304 - Dismissed
- Complaint #3305 - Advisory Letter to the Pharmacy Technician
- Complaint #3320 - Advisory Letter to the Dispensing Pharmacist and the Pharmacist In Charge
- Complaint # 3326 - Consent Agreement for Revocation. If not signed, the complaint would be forwarded to a hearing.
- Complaint #3327 - Consent Agreement for PAPA. If not signed, the complaint would be forwarded to a hearing.
- Complaint #3330 - Dismissed
- Complaint #3333 - Dismissed
- Complaint #3332 - Conference
- Complaint #3308 - Conference

AGENDA ITEM 29 – Strategic Planning – Board Meeting Time Frame

President Van Hassel asked Mr. Wand to address this issue.

Mr. Wand stated that the Board must hold at least four meetings a year. Mr. Wand asked the Board Members to consider if they would like to change the number of days of the meeting or the schedule.

Mr. Wand stated that the Board could hold a meeting monthly for one day, hold a two day meeting every two months, or even hold a three day meeting four times a year.

Mr. McAllister stated that he felt a one day or a three day meeting would create a burden for some Board Members.

The Board Members felt that many quick decisions could be handled at the office by the Board Staff.

The Board Members indicated that they would also like to discuss the structure of the meeting.

The Board Members decided to place this item on the next agenda for discussion.

AGENDA ITEM 30 – Strategic Planning-Training

President Van Hassel opened the discussion by asking the Board Members if they felt any additional training was needed for the staff or Board Members.

Dr. Smidt suggested that one of the Compliance Officers should become an expert on compounding practices. Dr. Smidt stated that there seems to be a proliferation of compounding pharmacies.

Mr. Wand stated that Mr. Wright would be attending the CE Program at the NABP Meeting. The CE Program is for Compliance Officers and the topic covers Inspecting Compounding Pharmacies.

The Board Members decided to place this item on the next agenda for discussion.

AGENDA ITEM 31 – Strategic Planning - Task force for Approval of Non-ACPE CE Units

President Van Hassel asked Mr. Wand to address this issue.

Mr. Wand stated that the Board Office receives calls asking the Board to authorize CE units that were received and the course was not ACPE approved.

Mr. Wand stated in the past the Board authorized the programs if the pharmacist presented the program prior to attending the CE program. Mr. Wand stated that often the programs are CME approved and not ACPE approved.

Mr. Wand stated that the Board could form a task force to authorize the CE or could delegate the authority to the staff based on certain criteria.

Mr. McAllister suggested that the Board may want to consider revising the CE requirements. Mr. McAllister stated that the Board may want to look at removing the law CE requirement and require CE on error prevention.

The Board Members decided to place this item on the next agenda for discussion.

AGENDA ITEM 35 – Call to the Public

Call to the Public

President Van Hassel announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

A pharmacist expressed concern that holding meetings monthly would be difficult to give proper notice and he likes the current process.

On motion by Mr. Dutcher and Ms. Honeyestewa, the Board unanimously agreed to recess the meeting until March 29, 2007 at 9:00 A.M.

AGENDA ITEM 1 – Call to Order – March 29, 2007

President Van Hassel convened the meeting at 9:00A.M. and welcomed the audience to the meeting.

The following Board Members were present: President Tom Van Hassel, Vice President Zina Berry, Chuck Dutcher, Steven Haiber, Louanne Honeyestewa, and Ridge Smidt. The following staff members were present: Compliance Officers Rich Cieslinski, Larry Dick, Ed Hunter, Sandra Sutcliffe, and Dean Wright, Drug Inspector Heather Lathim, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Seth Hargraves.

AGENDA ITEM 17 - Hearing

#1 Dana Kinas

President Van Hassel stated that this is the time and place for the hearing to determine whether to take disciplinary action against License No. 13541 issued to Dana Kinas, Notice of Hearing No. 07F-0028-PHR.

President Van Hassel asked if the licensee was present. The licensee was not present.

President Van Hassel asked if the representative for the State was present. Mr. Seth Hargraves, Assistant Attorney General, was present on behalf of the state.

Mr. Hargraves stated that before the Board takes any disciplinary action against a licensee the Board must give the licensee notice of the allegations against them and an opportunity to respond. Mr. Hargraves stated that on February 21, 2007 the Board Staff gave the respondent proper notice by mailing a copy of an amended complaint and notice of hearing to her last known address of record with the Board. The amended complaint notified her that pursuant to A.R.S. 13-1927 (O) she is required to prepare and file with the Board an answer to the allegations in the amended complaint within 30 days of service. She was further notified that pursuant to that same statutory section her failure to respond within 30 days would be deemed an admission by default of the acts charged in the amended complaint. Pursuant to Arizona Administrative Code R4- 23-115 (F), service is considered to be made five days after being mailed by first class mail or express mail or the date of the return receipt if sent by certified mail. Mr. Hargraves stated that the complaint was sent out by first-class and certified mail on February 21, 2007. According to the United States Postal Services website, the certified mail was returned to

the Board as unclaimed, however there is no record that the first class mail was returned. Mr. Hargraves stated given the provisions of R4-23-155 (F), service was completed on February 26, 2007. Mr. Hargraves stated that he checked with Board staff this morning there has been no response or answer filed by Ms. Kinas to the complaint. Mr. Hargraves stated that since Ms. Kinas has not responded and filed an answer as required by statute, the state hereby submits a verbal motion requesting that the Board to deem as admitted the allegations contained in the amended complaint- Notice of Hearing and request that the Board issue a disciplinary order revoking the license of Ms. Kinas to practice as a pharmacist.

On motion by Mr. Dutcher and Ms. Berry, the Board unanimously agreed to accept the state's motion to Deem Allegations Admitted.

Mr. Hargraves stated that the state would recommend an order revoking the license of Ms. Kinas.

On motion by Dr. Berry and Mr. Dutcher, the Board unanimously agreed to revoke Pharmacist License 13541 issued to Dana Kinas. A roll call vote was taken. (Dr. Smidt – aye, Ms. Honeyestewa- aye, Mr. Haiber – aye, Mr. Dutcher- aye, Dr. Berry –aye, and President Van Hassel – aye). The motion carries.

AGENDA ITEM 15 – Consent Agreements

President Van Hassel asked Board Members if there were any questions or discussions concerning the consent agreements. Executive Director Hal Wand indicated that the consent agreements have been reviewed and approved by the Attorney General's Office and have been signed.

Mr. Dutcher stated that he has issues with the consent order for Mr. Bach. The Board Members discussed the consent order as signed and decided that they would rather offer Mr. Bach a consent order for revocation.

On motion by Dr. Berry and Mr. Dutcher, the Board unanimously agreed to accept the consent agreements as presented in the meeting book and signed by the respondents. The consent agreements are listed below. A roll call vote was taken. (Dr. Smidt- aye, Ms. Honeyestewa –aye, Mr. Haiber – aye, Mr. Dutcher – aye, Dr. Berry – aye, President Van Hassel – aye)

Randy Simmons - 07-0013-PHR

Marjorie Daily - 07-0020-PHR

Stan Kudish - 07-0039-PHR

Joshua Walden - 07-0045-PHR

On motion by Mr. Dutcher and Dr. Berry, the Board unanimously rejected the consent agreement signed by Mr. Bach and have agreed to offer a consent agreement for revocation to Mr. Bach.

AGENDA ITEM 8 – Expansion of Scope of Practice – Pharmacist Administered Immunizations Per Standing Orders

Kelly Hampton, Russ Newman, and Mindy Rasmussen were present to ask the Board Members to consider changing the rules for Pharmacist Administered Immunizations.

Ms. Rasmussen, Executive Director of the Arizona Pharmacy Alliance, opened the discussion by asking the Board to consider changing the rules for requiring prescriptions for administration of immunizations. Ms. Rasmussen stated that under Medicare Part D healthcare providers are allowed to bill for the administration of immunizations.

Ms. Hampton, Clinical Coordinator for Safeway, stated that she has talked to several pharmacists and there are several changes that they would recommend to the current rules.

Ms. Hampton stated that the current rules specify what vaccines can be administered and every time a new vaccine becomes available then the Board would have to amend the rules. Ms. Hampton recommended that the Board change the rules to read that the pharmacists could administer any FDA approved vaccine. Ms. Hampton also stated that she has made some changes to the recordkeeping and reporting requirements.

Mr. Newman, Fry's Pharmacist, recommended that pharmacists be able to administer the vaccines without a prescription because of billing issues.

Mr. Wand stated that in 2003 the rules were passed allowing pharmacists to administer certain vaccines pursuant to a prescription order. Mr. Wand stated at that time there were no provisions for standing orders. Mr. Wand stated that changing the rules would take 18 to 24 months. Mr. Wand stated that this would be a statutory change because it would change the scope of practice. Mr. Wand stated that the Board cannot legislate through the rules.

Ms. Rasmussen stated that the rules could be changed so that the pharmacists have something to fall back on in case the bill does not pass.

Mr. Wand stated that a statute change must be completed by September for consideration during the next legislative session. Mr. Wand stated that a statute change would be quicker than a rules change.

AGENDA ITEM 9 – Why should Pharmacy Interns in Arizona be given the Opportunity to Immunize?

Kendra Olderog, a PharmD candidate 2007, was present to make a presentation to the Board concerning why pharmacy interns should be allowed to administer immunizations.

Ms. Olderog stated that students have taken the required immunization courses and are qualified to administer immunizations.

Ms. Olderog stated that 29 states allow students to administer immunizations. Ms. Olderog stated that these students have administered 121,000 vaccinations.

Mr. Dutcher asked if Ms. Olderog is asking for interns to administer immunizations in the retail setting. Ms. Hampton stated that would only occur if a pharmacist authorized to administer immunizations is present to supervise the intern.

Mr. Haiber asked Ms. Olderog if any untoward events had occurred as a result of student administered immunizations. Ms. Olderog stated she is not aware of any untoward events.

Ms. Rasmussen stated that the incidences with immunizations would be the same with whomever administered the vaccine.

Mr. Wand stated that these issues could be addressed in the statute change. At this time the statutes and rules, do not allow interns to administer vaccines.

Ms. Hampton stated that they are asking the Board to make the rule changes because the Board has the power to make these changes.

Mr. Wand stated that these are not emergency changes and the rule changes would still take at least 18 months to change.

AGENDA ITEM 20 – Strategic Planning – Technology Updates (GITA)

President Van Hassel asked Mr. Wand to address this topic.

Mr. Wand stated that he would like to address this topic because the Board Office will need to purchase a new server in the near future. Mr. Wand stated that any purchase over \$25,000 needs to be approved by GITA prior to purchasing the equipment.

The Board Members decided to place this item on the agenda for discussion at the next meeting.

AGENDA ITEM 21 – Strategic Planning – Personnel – Skills and Education

President Van Hassel asked Mr. Wand to address this issue.

Mr. Wand stated at this time he feels that the office is sufficiently staffed. Mr. Wand stated that IBM has completed the development and implementation of the online permit process. Mr. Wand stated that pharmacies, wholesalers, manufacturers, and non-prescription retail outlets are now able to apply online for their permits using a credit card. Mr. Wand stated that the process for licensure would be less labor intensive for the office staff. Mr. Wand stated that at this time the office does not know what the acceptance rate would be for the online licensure.

Mr. Wand stated that many states are hiring Pharmacy Technicians as Compliance Officers. Mr. Wand stated that the job descriptions for the Compliance Officers in Arizona state that the Compliance Officer must be a pharmacist. Mr. Wand stated that he would like the Board's support in requiring that a Compliance Officer must be a pharmacist.

Mr. Wand stated that he is also reviewing the Office Manager's position, since the current Office Manager is retiring. Mr. Wand stated that he would like to make the position uncovered and is currently researching the requirements to make the position an uncovered position.

The Board Members decided to place this item on the agenda for discussion at the next meeting.

AGENDA ITEM 22 – Salaries

President Van Hassel asked Mr. Wand to address this topic. Mr. Wand stated that the Legislature has approved a salary increase for the Compliance Officers. Mr. Wand stated that he is currently reviewing the Compliance Officer's salaries and would be completing performance evaluations.

Dr. Smidt asked if there are market surveys taken so that the Compliance Officer's salary is comparable to salaries offered in the market. Mr. Wand stated that the salaries are lower than the market. Mr. Wand stated that the salary ranges are determined by the state rate scales. Mr. Wand stated that he is also looking at other office staff salaries.

The Board Members decided to place this item on the agenda for discussion at a series of meetings.

AGENDA ITEM 23 – Strategic Planning – Rules – Addition to Current Rules or Deletion of Current Rules

President Van Hassel opened the discussion by asking the Board Members if they had rules that they would like the Board to consider for the future.

Mr. Dutcher stated that he would like to see parameters developed for early refills. Mr. Dutcher stated that the request to fill prescriptions early is a constant problem in the retail setting. Mr. Dutcher stated that he would like to see guidelines to help a pharmacist handle early refill requests.

Mr. Van Hassel stated that the Board may want to consider mandatory error reporting. Mr. Wand stated that some states have mandatory error reporting and some states only require the error to be reported if there are certain outcomes.

The Board Members decided to place this item on the agenda for discussion at a future meeting.

AGENDA ITEM 24 - Strategic Planning – Statutes – Addition to Current Statutes or Deletion of Current Statutes

President Van Hassel opened the discussion by asking the Board Members if they had any statutory changes that they would like the Board to consider at a future meeting.

Mr. Van Hassel stated that the length of Board Member terms is one statutory change that the Board Members may want to review.

The Board Members decided to place this item on a future agenda for discussion.

AGENDA ITEM 25 – Strategic Planning – SWOT Analysis

President Van Hassel stated that a SWOT analysis would recognize the Board's strengths, weaknesses, opportunities, and threats.

The Board Members decided to place this item on the next agenda for discussion.

AGENDA ITEM 26- Complaint Review Process

President Van Hassel opened the discussion by asking if the Board Members felt that there should be a change in the complaint review process. Mr. Van Hassel stated that the Board could have the complaint review committee review the complaints or another method to review the complaints could be discussed.

The Board Members decided to place this item on the next agenda for discussion.

AGENDA ITEM 27 – Pharmacist Lunch Breaks

This Agenda Item was not discussed and will be placed on a future agenda for discussion.

AGENDA ITEM 28 – Streamlining of Board Meeting

President Van Hassel opened the discussion by stating that some Board Members felt that the Board Meeting could be streamlined in certain areas.

The Board Members decided to place this item on the next agenda for discussion.

AGENDA ITEM 32 – Strategic Planning – Hearings – OAH or Board Meeting

President Van Hassel asked Mr. Wand to address this topic.

Mr. Wand asked the Board Members to decide if they would like to send hearings to the Office of Administrative Hearings (OAH) or if they would like to conduct the hearings at the Board Meeting.

Mr. Wand stated that it is expensive to schedule hearings through OAH. Mr. Wand stated that the Board is required to pay quarterly if the Board uses OAH for any hearings that quarter.

The Board Members decided that they would like OAH to give a brief presentation on the services provided by OAH, so that they could determine the advantages and disadvantages of using OAH's services.

Mr. Wand stated that he would arrange for OAH to give a brief presentation at a future meeting.

AGENDA ITEM 33 – Strategic Planning – Authority for the Executive Director to Dismiss Complaints.

President Van Hassel opened the discussion by asking the Board Members if they would like to look at rule or statutory changes that would allow the Executive Director to dismiss complaints.

The Board Members agreed that it would be beneficial to have the Director be able to dismiss complaints when no violation of the law occurred.

The Board Members decided to place this item on a future agenda for discussion.

AGENDA ITEM 34- Strategic Planning – Length of Board Member Terms

President Van Hassel asked the Board Members if they would like to see the terms for Board Members changed.

Mr. Wand stated that in some states the terms vary for length of service. Mr. Wand stated that some states have two-year terms while other states have seven-year terms.

Mr. Wand stated that in some states there are limits to the number of times a Board Member can be reappointed.

The Board Members decided to place this item on a future agenda for discussion.

AGENDA ITEM 35 – Call to the Public

Call to the Public

President Van Hassel announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

A pharmacist stated that he feels it would be beneficial to develop a prior approval process to approve CE that is not ACPE approved.

A pharmacist expressed concern that the collaborative practice should be extended to the community pharmacy to allow pharmacists in the retail setting to participate in collaborative practice.

A pharmacist expressed concern about streamlining the meeting. The pharmacist stated that if the meeting is streamlined too much the educational value maybe lost.

A pharmacist expressed concern about mandatory error reporting.

AGENDA ITEM 36 – Discussion of Items to be Placed on Future Meeting Agenda

Mr. Dutcher asked that PBM regulation be placed on a future meeting agenda for discussion.

AGENDA ITEM 37 - Adjournment

There being no further business to come before the Board, **on motion by Mr. Dutcher and Ms. Honeyestewa**, the Board unanimously agreed to adjourn the meeting at 10:30 A.M.